

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALEXIS MALDANADO,

Plaintiff,

v.

G. RALSTON, *et al.*,

Defendants.

No. 4:22-CV-01890

(Chief Judge Brann)

(Chief Magistrate Judge Mehalchick)

ORDER

JULY 3, 2023

In December 2022, Alexis Maldanado filed a fourth amended complaint alleging that officials failed to protect him from obvious harm and retaliated against him for exercising his First Amendment rights.¹ On May 9, 2023, Chief Magistrate Judge Karoline Mehalchick issued a Report and Recommendation recommending that this Court grant Defendants' motion to dismiss Maldanado's fourth amended complaint.² Maldanado has not filed timely objections to the Report and Recommendation.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.³ Conversely, "[i]f a party objects

¹ Doc. 224.

² Doc. 233

³ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

timely to a magistrate judge’s report and recommendation, the district court must ‘make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.’”⁴ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the magistrate judge’s findings or recommendations.⁵ Upon review of the record, the Court finds no clear error—clear or otherwise—in Chief Magistrate Judge Mehalchick’s recommendation that Maldonado’s complaint be dismissed. Consequently, **IT IS HEREBY ORDERED** that:

1. Chief Magistrate Judge Karoline Mehalchick’s Report and Recommendation (Doc. 233) is **ADOPTED**;
2. Defendants’ motion to dismiss (Doc. 228) is **GRANTED**;
3. Maldonado’s fourth amended complaint (Doc. 224) is **DISMISSED** with prejudice; and
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁴ *Equal Emp’t Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 99 (3d Cir. 2017) (quoting 28 U.S.C. § 636(b)(1)).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.